

MINUTES OF BENTON COUNTY QUORUM COURT

October 22, 2015

A regular meeting of the Benton County Quorum Court was held on Thursday, October 22, 2015 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

Deputy Clerk Stefanie Laputz called roll as follows:

14 JPs Present: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 JP Absent: Easley

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag and the prayer.

CHANGES TO THE AGENDA:

None

MINUTES:

JP J. Harrison made motion to approve the minutes of the September 24, 2015 Quorum Court meeting as distributed, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Minutes approved as distributed.

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:

County Judge Robert D. Clinard presented the county judge's report as follows:

- Great River Engineering is working on the War Eagle Bridge site-engineering analysis with a meeting planned with AHTD next month.

- The Old Courthouse exterior and interior renovations per the Walton Foundation Grant are in progress.
- Treanor Architects is working on the Benton County Jail expansion and long term planning is in progress. We have their preliminary layouts and have revisions in progress.
- The Rogers Benton County Offices parking lot expansion is in progress.
- The Road Department is very close to completing the paving program for 53 miles in 2015.

The September Property Disposal Report was presented to the JPs from the dashboard.

Judge Clinard read a formal proclamation declaring October as 4-H Month in Benton County.

COMMITTEE REPORTS:

JP Allen reported that they have had several meetings of the Finance Committee since the last Quorum Court meeting. A special Finance Committee meeting was held in late September to address the courthouse facilities, and that discussion was moved on to the Committee of the Whole. At the regular Finance Committee meeting, they saw that there was a continued increase in sales tax collections – up 8.5% for the year and 12% for the month compared to last year. He reported that these are healthy sales tax collections and he expects this trend to continue. There have been a few Budget Committee meetings and there will be another on Monday, October 26, 2015. They have covered all the personnel requests and they have made it through two-thirds of Administrator of General Services John Sudduth's budget requests. At Monday's meeting, they will continue hearing these requests.

PUBLIC COMMENTS:

None

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Sandlin.

A roll call vote recorded as follows:

14 Yeas:	Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent:	Easley

Motion passed.

OLD BUSINESS:

- (A) Proposed Ordinance Adopting the Arkansas Fire Prevention Code, 2012 Edition (Three Volumes, Fire, Building & Residential) by Reference; Sponsor: JP Kevin Harrison

County Attorney George Spence read the proposed ordinance by title only.

JP K. Harrison made motion to adopt, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Second reading passed.

(B) Proposed Ordinance Adopting the National Electric Code, 2014 Edition by Reference;
Sponsor: JP Kevin Harrison

County Attorney George Spence read the proposed ordinance by title only.

JP K. Harrison made a motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Second reading passed.

(C) Proposed Ordinance Adopting the Arkansas Energy Code, 2014 Edition by Reference;
Sponsor: JP Kevin Harrison

County Attorney George Spence read the proposed ordinance by title only.

JP K. Harrison made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adam, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Second reading passed.

(D) Proposed Ordinance Adopting the Arkansas Fuel Gas Code, 2006 Edition by Reference;
Sponsor: JP Kevin Harrison

County Attorney George Spence read the proposed ordinance by title only.

JP K. Harrison made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Second reading passed.

(E) Proposed Ordinance Adopting the Arkansas Mechanical Code, 2010 Edition by Reference;
Sponsor: JP Kevin Harrison

County Attorney George Spence read the proposed ordinance by title only.

JP K. Harrison made motion to adopt, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows.

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Second reading passed.

(F) Proposed Ordinance Adopting the Arkansas Plumbing Code, 2006 Edition by Reference;
Sponsor: JP Kevin Harrison

County Attorney George Spence read the proposed ordinance by title only.

JP K. Harrison made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Second reading passed.

NEW BUSINESS:

(A) Proposed Resolution Authorizing the County Judge of Benton County to Apply for an FY
2015 Economic Development Administration Grant for Construction of the Spanker
Creek Bridge Project; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed resolution by title only.

JP Jones made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Resolution duly adopted and assigned **No. R-2015-31.**

(B) Proposed Resolution Setting the Number of Justices of the Peace to Participate in Planning Appeals; Sponsor: JP Sue Shadlow

County Attorney George Spence read the proposed resolution by title only.

JP Shadlow made motion to adopt, seconded by JP Sandlin.

JP Allen asked if this resolution is stating that the Quorum Court will decide how many justices to appoint at a later date.

County Attorney George Spence stated that this resolution sets the number of JPs to hear planning appeals at three. The county judge will appoint the JPs who will actually hear the appeal.

County Judge Robert D. Clinard stated that the Benton County procedures book allows for this but they have never done it because they have never had an appeal, so this must be done in order to hear an appeal.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Resolution duly adopted and assigned **No. R-2015-32.**

(C) Proposed Resolution Authorizing a Property Tax Levy for Benton County General Fund, Benton County Road Fund, and Ambulance Service Improvement District for the Year 2015 to be Collected in the Year 2016; Sponsor JP Kurt Moore

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to adopt, seconded by JP K. Harrison.

JP Slinkard asked if the city's levies have to be included.

George Spence stated that this information would be included in an ordinance next month.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Resolution duly adopted and assigned **No. R-2015-33.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Appropriating Additional Monies and Authorizing the Appropriation of Additional Revenues and Expenditures in Department 101, County Clerk Cost Fund, Fund 3005; Sponsor: JP Mary L. Slinkard

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Slinkard made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Appropriation ordinance duly adopted and assigned **No. O-2015-49.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Appropriating Additional Monies and Authorizing the Appropriation of Additional Revenues and Expenditures in Department 0417, Public Defender, Fund 3024; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Appropriation ordinance duly adopted and assigned **No. O-2015-50.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Appropriating Additional Monies and Authorizing the Appropriation of Additional Revenues and Expenditures in Department 0108, Non-Dept. and Maintenance, Fund 1000; Sponsor: JP Barry Moehring

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Moehring made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Appropriation ordinance duly adopted and assigned **No. O-2015-51.**

(G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) to Amend *Schedule 4-Personnel and Compensation Authorization* by Adding an Additional Position, Department 0400, Sheriff's Department, Fund 1000; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Chiocco.

JP Meyers asked if there is a need to add more security at the Rogers office.

County Judge Robert D. Clinard stated that he has had no issues brought to his attention about the Rogers office.

JP Leadabrand asked if this is for the 2015 budget.

Judge Clinard stated that it is, and the Sheriff Deputy I to be added in 2016 will be included in next year's budget.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Appropriation ordinance duly adopted and assigned **No. O-2015-52.**

(H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0400, Sheriff's Department, Fund 1000; Sponsor JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Adams.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Appropriation ordinance duly adopted and assigned **No. O-2015-53.**

(I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Department 0100, County Judge, Fund 3751; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Adams.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Appropriation ordinance duly adopted and assigned **No. O-2015-54.**

OTHER BUSINESS:

a) Request for County Judge to Issue Request for Qualifications for Architects for Downtown Courthouse Project; Sponsor: JP Joel Jones

JP Jones stated that this agenda item concerns the RFQ that was discussed at the Committee of the Whole; this is to get an expert in the architectural area of courthouses to answer questions about the project.

JP Jones made motion to approve the RFQ as written, seconded by JP Adams.

JP Jones stated that he still has some of the same concerns that he voiced at the Committee of the Whole meeting. He appreciates the county judge putting the requested items into the RFQ. He still has concerns but he would now prefer to see these concerns addressed during the process itself.

JP Adams reminded the court that the RFQ is not a contract to build the courts facility; this is a request to have companies come and sell themselves as the best company to build the courts facility. When a firm is chosen, that will be the opportunity to have the questions answered.

JP Allen said that he is in favor of the RFQ and the language in the document should be as simple as possible.

JP K. Harrison reiterated that this is only to determine the best company; he agrees with JP Allen that it should be kept simple.

JP Anglin inquired as to the rationale of including the Highway 102 site in the RFQ.

Judge Robert D. Clinard answered that he does not want to limit any options until the professionals have come in to evaluate the project.

JP Anglin expressed frustration at the Highway 102 site still being included when the court already voted to utilize a downtown location. A brief discussion of the RFQ and potential court facility locations ensued.

JP Moehring asked for procedural clarification on sending out the RFQ and if it requires a vote.

Judge Clinard stated that sending the RFQ does not officially require a vote from the court because it does not require any money. However, he would prefer to have the court's approval because when the time comes to hire an architect, the court will have to approve the appropriation. He believes a voice vote would be appropriate to get permission to proceed with the RFQ.

JP Allen stated that the respondents will likely end up being local firms who will collaborate with a firm that is an expert in courthouse facilities. He stated that the county judge once said that, if the quorum court wanted to have the location downtown, he would go along with that. At that time, it was not a unanimous vote, but a majority supported the downtown location. He questioned why Judge Clinard is still including the Highway 102 site after he said he would support the decision of the court.

Judge Clinard stated that he said if a suitable location, design, and situation were found in a downtown option, he would not withhold unreasonable approval of a downtown location. He said that this was before the circuit judges brought some security concerns to their attention and he now believes it is in the county's best interest not to rule out any options. He stated that he would make a recommendation to the court after the expert gives their opinion on the best option.

JP Allen said that he stands behind the fact that an architect has nothing to do with location. There are many considerations besides just choosing a level site; he does not know why the architect needs to be involved in that.

Judge Clinard stated that he is not asking the firm to make a site selection but he will not limit the site options at this point in the process.

JP K. Harrison said that he thought the security issues regarding the downtown option were already addressed in the NCSC study.

Judge Clinard stated that NCSC did an exhaustive feasibility study but they do not design buildings. He said that they do not have from NCSC what they are asking for now, which is a complete facility design plan.

JP Leadabrand expressed his desire to move this forward.

Judge Clinard stated that there is already a motion on the floor.

JP Leadabrand called the question, seconded by JP Slinkard.

There being no discussion, a roll call vote was recorded as follows:

7 Yeas:	Shadlow, J. Harrison, Sandlin, Slinkard, Leadabrand, Moore, Meyers
7 Nays:	Allen, K. Harrison, Adams, Jones, Anglin, Chiocco, Moehring
1 Absent:	Easley

Motion to call the question failed.

JP Adams stated that he understands the frustration about the Highway 102 site being included in the RFQ because Judge Clinard said in the past that he would support a downtown option if that were the court's preference. He thinks the three downtown site options should be the primary focus of this RFQ.

JP Allen said that he would take site location out of it entirely since this request is just an RFQ; all the firms need to do is present their qualifications as architects.

JP Sandlin stated that architects do pretty pictures but it is up to the buyers to figure out the details. She reminded the court that they are looking at qualifications and not location sites.

JP Moehring questioned how the results from the RFQ would be significantly different from the NCSC study.

Judge Clinard said that the circuit judge's concerns of safety, security, setback, parking, traffic, and street conditions in front of the building were not included the NCSC study. He is trying to save time by including both sites, in the event that the firms responding to the RFQ determine that there is an unforeseen issue with building at a downtown location.

JP Moehring stated that they are looking at the legitimate issues raised by the circuit court judges. For the sake of expediency, he asked why not just use the NCSC study. He suggests showing the circuit court judge's letter to them and getting their recommendation.

JP Allen said that he likes JP Moehring's idea but reminded the court that the circuit judges have said that they would not support any of the current plans. He stated that, if they did show the letter to the NCSC, they would need to get the circuit judges' approval.

JP Moehring stated if they want to move quickly, they already have a nationally recognized consulting firm and a very competent local architect who are already familiar with the project. He does not see how it saves time to find a new architectural firm.

JP Jones said that NCSC are not architects; they are looking for someone with expertise with these types of security concerns. He then gave a recommendation of how to simplify the RFQ document. The wording of the document was briefly discussed.

Judge Clinard said that the circuit judges' concerns have never been addressed by any architect. He stated, however, that NCSC would be considered as one of the consulting firms when the RFQ goes out.

JP Jones made a motion to amend the language of the RFQ, seconded by JP Shadlow.

A brief discussion followed regarding the projection date for potential growth to be included in the RFQ.

There being no further discussion, a show of hands vote was recorded as follows:

14 Yeas:	Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent:	Easley

Motion to amend passed.

Judge Clinard called for the vote to send out the amended RFQ.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Motion passed.

Judge Clinard stated that he would revise the RFQ and send out a copy to the JPs. He said it is scheduled to go out on Wednesday, October 28, 2015 and, if he does not hear any comments by Monday, it will be sent out as scheduled.

JP J. Harrison made a motion to move the dates of the next two Quorum Court meetings to November 19, 2015 and December 17, 2015 because the currently scheduled dates of November 26, 2015 and December 24, 2015 fall on holidays, seconded by JP Jones.

There being no discussion, a voice vote was recorded as follows:

14 Yeas: Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Easley

Motion passed.

ANNOUNCEMENTS:

JP Allen announced a Budget Committee meeting on Monday, October 26, 2015 at 6:00 p.m. He stated that the regular Finance Committee meeting has been moved to Monday, November 02, 2015. He asked if any of the JPs on the Finance/Budget Committee would have an objection to moving the meetings earlier in the afternoon, instead of starting at 6:00 p.m. There was a short discussion centered on adjusting the meeting times.

ADJOURNMENT:

After motion and second, meeting adjourned at 7:40 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

Prepared by: Stefanie Laputz